

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>TANIELLE SHURNEY,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>V.</b>	)	<b>Civil Action No. 05-196E</b>
	)	<b>Judge Sean J. McLaughlin</b>
	)	
<b>SCOTT ENTERPRISES, INC.;</b>	)	
<b>TROOPER SEAN PIERCE;</b>	)	
<b>JOHN DOE,</b>	)	
	)	
<b>Defendants.</b>	)	

**DEFENDANT TROOPER SEAN PIERCE'S**  
**MOTION FOR SUMMARY JUDGMENT**

AND NOW, comes the Defendant, Trooper Sean Pierce, by his attorneys, Thomas W. Corbett, Jr., Attorney General, Susan H. Malone, Chief Deputy Attorney General and Susan J. Forney, Chief Deputy Attorney General, Chief Litigation Section, and respectfully moves for summary judgment pursuant to Fed.R.Civ.P. 56 and LR 56.1 and in support therefore, states the following.

1. This action was initiated by Complaint dated June 22, 2005 seeking damages resulting from plaintiff's warrantless arrest on two felony charges on July 3, 2004. (Docket #1).
2. It is essential to plaintiff's claims that she establish a lack of probable cause for the arrest.
3. Discovery has closed and plaintiff cannot establish lack of probable cause under the record of this case as a matter of law.
4. Trooper Pierce is entitled to summary judgment in his favor under the doctrine of qualified immunity.

5. Defendants Scott's Splash Lagoon, Inc. and Scott's Econo Inn, Inc. have filed a Joint Motion for Summary Judgment which is accompanied by complete copies of all depositions taken in this case and written discovery responses. Defendant Trooper Pierce has not duplicated these attachments.

6. There are no disputed issues of material fact and Trooper Sean Pierce is entitled to summary judgment in his favor pursuant to Fed.R.Civ.P. 56.

WHEREFORE, defendant Trooper Sean Pierce respectfully requests that summary judgment be entered in his favor and against Plaintiff.

Respectfully submitted,

**Thomas W. Corbett, Jr.**  
Attorney General

BY: \s\ Susan H. Malone  
SUSAN H. MALONE  
Chief Deputy Attorney General  
PA I.D. No. 30280

SUSAN J. FORNEY  
Chief Deputy Attorney General  
Chief Litigation Section

OFFICE OF ATTORNEY GENERAL  
6<sup>th</sup> Floor, Manor Complex  
564 Forbes Avenue  
Pittsburgh, PA 15219

(412) 565-7680

Date: March 30, 2006

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>TANIELLE SHURNEY,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>V.</b>	)	<b>Civil Action No. 05-196E</b>
	)	<b>Judge Sean J. McLaughlin</b>
	)	
<b>SCOTT ENTERPRISES, INC.;</b>	)	
<b>TROOPER SEAN PIERCE;</b>	)	
<b>JOHN DOE,</b>	)	
	)	
<b>Defendants</b>		

**ORDER**

AND NOW, this \_\_\_\_ day of April, 2006, defendant Trooper Sean Pierce having  
filed a Motion for Summary Judgment,

IT IS ORDERED that the Motion is GRANTED.

---

United States District Court Judge

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Motion for Summary Judgment was electronically served on all counsel of record, this 30th day of March, 2006.

By: \s\ Susan H. Malone  
Susan H. Malone, Esq.  
564 Forbes Avenue  
Manor Complex – 6<sup>th</sup> Floor  
Pittsburgh, PA 15219  
412-565-7680  
[smalone@attorneygeneral.gov](mailto:smalone@attorneygeneral.gov)  
Pa. ID 30280  
Attorney for Trooper Sean Pierce